

TO THE PUBLIC.

I perceive that Mr. James B. Gray has seen fit to bring forward my name as one of the many who endeavored to prevent him from prostrating, in the case of Latimer, the dearest rights of the citizens of Massachusetts. One other name is mentioned, viz. that of Mr. Higgins. As I never heard of that gentleman till I saw his name in Mr. Gray's statement, of course any thing that he may have done had no influence upon me. Mr. Gray says that Mr. Cooledge told him that I offered to *bribe* him, (Mr. Cooledge.) Now, if Mr. Cooledge means thereby to state, that I ever attempted to induce him, by offers of money, when acting as the jailer of the county of Suffolk, to do otherwise than uprightly, and in accordance with his duties as a public servant, *I deny the charge, and defy him or any one else to the proof.* But I shall not be satisfied with acting on the defensive in regard to the atrocious proceedings that have been carried on under *color of law* during the last month. The charge of bribery lies, in fact, upon others, upon those who first led Mr. Cooledge to misuse the office of jailer, for the unhallowed purpose of keeping a man in jail, without any regular certificate or *mittimus* from any court.

I hereby charge James B. Gray, and his attorney, E. G. Austin, as the men who, by offers of money, induced an executive officer, viz. the Jailer of the County of Suffolk, to prostitute his office to the support of slavery in Massachusetts. I charge them with the act of keeping, by means of these improper influences over the said officer, a man in jail for more than three weeks, and that they only yielded when the said jailer finding that he was about to lose his office

for misuse of it, declared that he could no longer keep his prisoner.*

In addition to proving these statements, I shall admit that I did make overtures to induce Mr. Coolidge, *the private agent of Gray*, to give up Latimer. This man (Mr. Cooledge) being likewise a public jailer, was, at that time, illegally using his privileges as an officer of the State, to trample on the rights and liberties of the people of Massachusetts, in the person of George Latimer.

Some details will be needed in the prosecution of the argument, which I beg of you to look at with candor.

The decision of the Supreme Court, in the case of *Priggs vs. Pennsylvania*, expressly denies that the States, as such, have anything to do, pro or con, in regard to slaves escaping from one State to another. Congress has the sole right of legislating upon the subject. Now, Congress has prescribed the mode, and under certain regulations it allows a master "to seize and take" his slave wherever he may be found. But these rules by no means allow him to use the jails of the State for the safe keeping of his chattel. Upon the point of how far the United States have a right to use our jails *for any purpose*, most people seem strangely ignorant. It is by an act of the Legislature that the United States have *any* ingress into our jails. Let any one read the following from the

* "From this time to the 17th November, nothing material occurred. On the evening of that day, at a late hour, I was informed by Mr. Coolidge, the Jailer, that a petition was circulating for signatures, to be presented to the Sheriff, praying him to remove him (Coolidge,) because he was keeping in confinement a person without any legal warrant, and that he (Coolidge,) expected that on the following day he should receive an order from the Sheriff not to confine Latimer any longer in Jail.

"To this unexpected announcement, I could make no reply. To attempt to keep Latimer in the city, in any other place than the Jail, was to raise at once a signal for riot, if not bloodshed."—*Austin's Statement.*

Revised Statutes, chapter 143, section 1, and then answer whether Latimer could be confined under either of the articles.

"The common jails in the several counties in the charge of the respective Sheriffs shall be used as prisons : First, for the detention of persons charged with offences, and *duly committed* for trial. Secondly, for the detention of persons who may be *duly committed*, to secure their attendance as witnesses on a trial of any criminal cause. Thirdly, for the confinement of persons *committed pursuant to a sentence upon conviction of an offence*, and of all other persons *duly committed for any cause authorized by law*. And the provisions of this section shall extend to persons detained or committed by the authority of the courts of the United States, as well as the courts and magistrates of this Commonwealth."

The last article is the sole one that *could* apply to Latimer ; but remember, even in such a case there must be due process of *committal* by some magistrate. Now I beg my readers to examine the order given below by Judge Story, and see whether any shadow of right is given therein for the commitment of Latimer to the jail in Leverett-street. It plainly says, "Mr. Gray, I allow you to *keep* the man whom you claim as slave," but it does not say any thing to authorize the commitment of him to jail. The order of Judge Story, by virtue of which the majority of the people of Massachusetts doubtless *suppose* Latimer to have been held by Cooledge, is as follows :—

*Circuit Court of U. S., Mass. Dis., }
Oct. Term, 1842. }*

"Oct. 22. And now on the hearing of this petition it is ordered by the Judge that Saturday, the 5th of November next, at 10 o'clock in the forenoon, at the United States Court Room, be the time and place at which said petition shall be heard; and it is further ordered by the Judge, that said *George Latimer remain in the custody of the said James B. Gray*, [not in the county jail, as was really the case afterwards,] and that said Gray do not remove him out of this Commonwealth until he receive the permission of the Judge, and that any counsel employed by the said

Latimer shall have access to him at reasonable times until the hearing of this petition.

"Signed Joseph Story, one of the Judges of the Supreme Court of the United States, assigned to the first circuit."

This order, of course, was perfectly constitutional. Judge Story not merely was bound, if he made any decision at all in the premises, to remand Latimer to the care of Gray, but I say still further, *he had no right* to put him in our county jail, and therefore he abstained from so doing, and merely gave him to his master.

But how, it may be asked, was Latimer incarcerated? I will show immediately, and herein consists all the *real bribery* committed towards Mr. Coolege. Messrs. Gray and Austin bribed the jailer to do what every one, who examined the question, saw from the first was an illegal act, and which the extraordinary opening of the prison doors has since amply proved to all. Mr. Austin, we presume, had discernment enough to perceive that Mr. Gray could not possibly *keep his slave*, according to the interpretation of the Constitution as given by the Supreme Court, and therefore he allowed the following papers to be made, to induce Mr. Coolege to extend to a slaveholder the unwarranted and most extraordinary use of our jail, and to *keep illegally a man in bondage not yet proved a slave!* The documents are as follows, and I wish every one to compare them with the rules enacted by our Legislature for the use of the jails, and also with Judge Story's order that Latimer be kept "in the custody of Gray"—not in our county jail. Mark the authority with which Mr. Gray proceeds. He has greater power, it seems, over our jails, than Judge Story has.

"To the Jailer of the county of Suffolk:—[rather a decided method of address, from a slaveholder to one of our Northern jailers!]

"George Latimer, a negro slave, and belonging to me, and a fugitive from my service, and living in Norfolk, in the State of Virginia, who is now committed to your charge by John Wilson, my agent and

attorney, I request and DIRECT you to hold on my account, at *my cost*, until renewed by me according to law.

JAMES B. GRAY.

" Witness E. G. AUSTIN.

" Boston, Oct. 21, 1842."

Look, too, at the following, written by a lawyer, and see if it be not as much a note of hand for the purpose of bribing Mr. Cooleedge *illegally to retain* Latimer, as mine, subsequently given to the same person, but in which a specific sum was offered in case Latimer should be freed.

"Boston, Oct. 21, 1842. I hereby promise to pay to the keeper of the jail any sum due to him for keeping the body of said Latimer, on demand.

E. G. AUSTIN."

This was appended to Gray's *order*, and it says on its face—"Take charge of this man on your own account, and I will pay you handsomely for so doing."† In other words, Messrs. Gray and Austin were the true bribers in this case. They induced the jailer to do wrongly with public property in order to gain a private end. I, on the contrary, as will be seen below, merely endeavored to induce a man to do rightly after he had for money done wrongly, in misusing his office, and letting out our jail, for the purposes of private emolument.

Mr. Austin must be well aware that he acted wrongfully in inducing the jailer, by the use of his name, to receive and keep illegally a man in a prison cell.

But some of my readers may say that, by the order of Gray, Mr. Cooleedge became his agent. I admit it; but then he was his *private agent*, and Mr. Cooleedge has no right whatever to use public property for his own *aggrandizement*, or for the purpose of illegally restraining others of their liberty. In becoming the agent of Gray he ceased, so far as Latimer was con-

† It is well to observe that Mr. Austin, in his statement for which he "pledges his word," contains no notice of these papers. There is a "glorious uncertainty" as to the when and how Latimer was first put in jail! "The truth, the *whole truth*," &c.!

cerned, to be jailer of the county. This is proved by the fact that Judge Story did not order Cooledge to take charge of the man, which he undoubtedly would have done had he possessed the authority to commit to prison one sought as a slave. It is proved, likewise, by the ultimate, almost miraculous, liberation of Latimer, when the prison doors were opened, by High Sheriff Eveleth and Jailer Cooledge, not because they were convinced of their iniquitous proceedings, but under the pressure of *fear of losing their offices* for malpractice, in using for unholy purposes the public property of the State ‡

Thus, I think, I have laid the burden of bribery upon the shoulders that most richly deserve it, and

‡ The following memorial was addressed to Sheriff Eveleth. Another of a similar nature was addressed to Governor Davis, requesting the removal of Sheriff Eveleth, but it was not sent in consequence of Mr. Eveleth's ordering Latimer to be put out of jail.

“ BOSTON, Nov. 15, 1842,

“ *To the Sheriff of the County of Suffolk:*

“ Sir,—We understand from you that Latimer who is now detained in the jail of this county, claimed as a fugitive slave, is not considered by you to be in your custody, but in that of Mr. Coolidge, who voluntarily acts as agent for Mr. Gray, the claimant. We request you to inform us distinctly whether this is the true state of the case, that the responsibility of Latimer's detention may rest where it belongs.

“ And we respectfully represent that any individual who will voluntarily assist in securing and detaining a fellow-being for the purpose of reducing him to slavery, is destitute of the humanity which should always be manifested, and most within the walls of a Jail.

“ And, therefore, in such case, we request you to ask of Mr. Coolidge, the immediate release of Latimer, under penalty of suffering removal from office, as one unfit to exercise the office of Jailer, with the kindness which the laws of God and man require.

Messrs. Gray and Austin seem to me to be liable to indictment under Sect. 8 of Chap. 123 of our Revised Statutes.

But I hasten onwards. A slave-hunter comes hunting on Massachusetts soil. He finds his chattel, and is told by the highest officer he can apply to, viz, the *Expounder of the Constitution*, upon this very

“ Nathaniel I. Bowditch, J. I. Bowditch, Henry I. Bowditch, Samuel May, H. B. Stanton, Charles Sumner, Francis Jackson, Wendell Phillips, C. W. Clark, I. I. May.”

The following is the Sheriff’s order for Latimer’s dismissal,—and for the future government of the Jail:—

“ SHERIFF’S OFFICE, }
Boston, November 17th, 1842. }

“ In conformity to advice given me by distinguished counsel, whom I have consulted in relation to the subject, and in accordance with the views which I have always maintained in conversations with you, touching the confinement of George Latimer in the Jail of this county, by you, as an agent of one James B. Gray, (who claims said Latimer as a fugitive slave,) and not as my Deputy Keeper of the Jail, and without any legal warrant or mittimus emanating from competent judicial authority, I do direct you to remove said Latimer from said Jail, at or before twelve o’clock, noon, to-morrow.

“ And I further order and direct you not to receive and confine in said Jail, any person claimed as a slave, or “a person held to service” in another state, without a warrant or mittimus from competent Judicial authority of this Commonwealth, or of the United States.

“ This order you will place on file in the office of the Jail, and consider it as applicable to all future cases of this character.

“ JOSEPH EVELETH,
Sheriff of the County of Suffolk.

“ Mr. NATHANIEL COOLIDGE,

“ Deputy Keeper of Suffolk Jail.”

subject, that he may *keep* his chattel. He consults with his attorney—says he cannot take care of the fellow, and so, forsooth, this worthy pair agree to persuade the jailer of the county to keep him safely. The papers are written with due pomposity, and Mr. Cooleedge falls a victim. The friends of Latimer are in despair. We are threatened with a mob at Faneuil-Hall. Lawyers bribe jailers to hold the slave; and the high sheriff and grand jury are deaf to our protestations of the injury done the state. I feared that bloodshed would be the result; I therefore, as an individual, attempted to buy Latimer—rendering myself, in the opinion of many, by so doing, liable to an indictment for slave-trading in Massachusetts. An authoritative and “absurd” letter from Mr. Austin was the return I obtained, and all negotiation was stopped. We attempted to bring the subject before Judge Shaw, but he refused, doubtless very properly, under the United States Constitution, to have anything to do with the matter, though he certainly failed to take notice of the fact that Cooleedge held Latimer illegally in jail—which produced very disastrous consequences in many quarters, and which, as a *man*, it seems to me he was bound to do. We complained to Mr. Eveleth, and asked him to remove Mr. Cooleedge. He confessed to the private speculation between Gray and his own deputy; yet he scorned our letter, and left it unanswered.§ Under the influence of these circumstances came forth “the head and front of my offending.” Thinking that there was no hope of escape for Latimer—feeling, moreover, the importance of proving to southern slaveholders that, however little we may be disposed to meddle with

§ The following letter, signed by Messrs. S. E. Sewall, Francis Jackson, myself and others, whose names cannot now easily be procured, was sent as directed, and *never answered* :—

“ BOSTON, Oct. 24, 1842.

“ To Joseph Eveleth, Esq. Sheriff of Suffolk :

“ Sir,—We are informed that a man named George Latimer is now confined in the Jail of this county, without the warrant of any Court, being put there

them, and to prevent them from going to the destruction which slavery will inevitably bring upon them, we are by no means desirous of having our own laws trampled upon, as they have been for a month past, to sustain the accursed system; being morally certain that blood would be shed in our streets, were the slave given up, I and three more, determined to try to persuade Mr. Coolidge to allow one of our number to enter the cell, in order that he might remain there and Latimer escape in disguise. To gain that end, I did promise to pay three hundred dollars, in case Latimer, by that means became free. I did so, and *I glory in the deed.*

I am well aware that some "unco guid" people will pretend to be horror-struck at the idea that any one should apparently avow the doctrine that "the end justifies the means." By no means do I consent to the doctrine, but in this world we sometimes have a choice of evils—and certainly in the present instance I had no other choice. Lawyer, slaveholder, sheriff and jailer, all had combined to keep, *illegally*, a man in bondage. Every fair and honorable means had been exhausted. Looking at Mr. Coolidge in the same light that I should look upon an Algerine jailer that kept a Christian in prison, upon whom all Christian law had been tried in vain, I determined to try the influence of money, which had been so

for safe keeping by one James B. Gray, who claims him as a slave.

"We venture to suggest, for your consideration, whether this is a proper use to make of the Jail. The claimant, in this case, has no right to the use of a building erected for public uses, for his private purposes. The principles and feelings of this community are entirely opposed to slavery, and many persons are grieved to see the public property applied in aid of slavery, where the law does not compel it. We, therefore, respectfully request that you will give orders to your Jailer, after due notice given to the claimant, to detain Latimer in the Jail no longer, and in future not to admit into the Jail any person claimed as a slave, without a legal warrant from some court or magistrate."

powerful in before making him abuse his office. Therefore, why, I ask, should I not glory in the deed? I was endeavoring, it is true, to induce a man to break a *private* promise, and induce him to return to his duty as a *man*—and, in so doing, he would have returned to his *public* faith, which he had previously laid aside. I endeavored to reclaim a public officer who had basely sold his office and prostituted our jails to sustain slavery in Massachusetts. Fellow-citizens, judge ye, of the *three bribers*—but for my own part, I care but little for the decision, so long as, at present, neither my head nor my heart condemns me. I allow that, usually, there should “be honor even among thieves,” but I confess that my conscience is made of such easy texture that it would never seriously upbraid me for endeavoring to persuade one of such gentry to deceive another, when by so doing I could free a human being from a vile bondage; when by such act I tended to raise the prostrated laws of my native land, and to save our city from bloodshed.

I have finished with myself, but I cannot close without a few remarks upon our present duties, and upon the plan, even now, on foot to prevent a repetition of such an outrage. The Constitution of the United States, as expounded by the tribunals of the nation, is the supreme law of the land. But as its defects and omissions are from time to time brought to light by decisions of those tribunals, they should forthwith be remedied and supplied. A striking instance has just occurred. It is now the law of the land that no free citizen of Massachusetts claimed as a slave, is entitled to a trial by jury; but that the statute of this State guaranteeing to him such a trial is unconstitutional and void. Such a doctrine is better suited to Algiers than to Massachusetts. Let it not long disgrace the jurisprudence of the nation. In reading De Tocqueville's America, I was much struck with a remark by that philosophical observer of the workings of our institutions, viz. that our people submit to acts of tyranny committed under the name of law, that, were they enacted in Europe, would cause a revolution. Had any thing similar to

the late decision of the Supreme Court of the United States, (though doubtless it may be a *legally* correct construction of the Constitution,) been made in France — a bloody revolution would have been the result. Nothing can be more glaring than the fact that the late decision given by Judge Story is the severest blow ever attempted to be inflicted upon our liberties.

The Stamp Act was as dust in the balance in comparison with it. If this judgement cannot be reversed, we can yet virtually and constitutionally set it aside, by requiring our State officers never to help either directly or indirectly, in returning a runaway slave, and preventing our jails from ever being used as barracks for Southern slave-hunters. To gain these objects the Great Massachusetts Petition is prepared, and will be presented, if possible, to every family of the State. The central point for Boston and the State is at Amory Hall, at which every man and woman who feels an interest in this matter, will find information and a hearty welcome. We mean, if possible, that it shall fly like the Fiery Cross, of old, in Scotland, from hand to hand, and arouse the people in such a manner that slavery shall never pollute us again, for *we will not touch the tainted thing.* H. I. BOWDITCH.